



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PETERSON INDUSTRIES, INC., individually and on behalf of all others similarly situated,

Plaintiff,

v.

GOLDMAN SACHS GROUP, INC., GS POWER HOLDINGS LLC, METRO INTERNATIONAL TRADE SERVICES LLC, LONDON METAL EXCHANGE LIMITED, and DOES 1-10, inclusive

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 11/8/13
DATE FILED: 11/8/13

Civil Action No. 13 Civ. 6689 (VM)

**STIPULATION AND ORDER
EXTENDING THE DEADLINE TO RESPOND TO THE COMPLAINT**

x

STIPULATION AND [PROPOSED] ORDER

WHEREAS, on September 20, 2013, Plaintiff Peterson Industries, Inc. filed Case No. 13-6689;

WHEREAS, in civil actions now pending in this and in multiple other jurisdictions, other plaintiffs have asserted related or similar claims to those made in Case No. 13-6689;

WHEREAS, on August 7, 2013, one of those other plaintiffs, pursuant to 28 U.S.C. § 1407, had filed a motion to transfer all Related Actions to the Eastern District of Michigan with the United States Judicial Panel on Multidistrict Litigation (“JPML”), opening MDL No. 2481;

WHEREAS, for purposes of this Stipulation and [Proposed] Order, the following Definitions shall apply:

- a. "Stipulating Plaintiff" shall mean Plaintiff Peterson Industries, Inc.
- b. "Stipulating Defendant" shall mean The London Metal Exchange.
- c. "Individual Action" shall mean the civil action filed by Stipulating Plaintiff against Stipulating Defendant in the Southern District of New York, assigned Civil Action No. 13-6689.
- d. "Other Related Actions" shall mean all civil actions now pending or other actions such as may be subsequently filed in, or removed to, federal court, asserting related or similar claims as made in the Individual Action, including, but not limited to, Civil Actions 13-13418 (E.D. Mich.); 13-13555 (E.D. Mich.); 13-13701 (E.D. Mich.); 13-01464 (C.D. Cal.); 13-00431 (N.D. Fla.); 13-13315 (E.D. Mich.); 13-05537 (S.D.N.Y.); 13-05267 (E.D. La.); 13-13413 (E.D. Mich.); 13-13878 (E.D. Mich.); 13-14607 (E.D. Mich.); 13-14036 (E.D. Mich.); 13-14194 (E.D. Mich.); 13-06567 (S.D.N.Y.); 13-14087 (E.D. Mich.); and 13-13925 (E.D. Mich.).
- e. "Related Actions" shall mean the Individual Action and the Other Related Actions, collectively.

WHEREAS, Stipulating Plaintiff and Stipulating Defendant, by and through their undersigned counsel, stipulate, unless ordered otherwise by the Court, to the following Order:

1. ***Acceptance of Service and Waiver of Formal Service of Process.*** The undersigned counsel for the Stipulating Defendant hereby accepts service of the complaint in the Individual Action for the Stipulating Defendant and waives the need for formal service of process.

2. ***Extension of Time to Respond until After JPML Rules in MDL No. 2481.*** The Stipulating Defendant's time to answer, move or otherwise plead in response to any operative complaint filed by Stipulating Plaintiff is hereby extended until sixty (60) days after a consolidated amended complaint is filed in the District to which the JPML assigns the Individual Action and all Other Related Actions.

3. Further, and notwithstanding any other provision set forth herein, if any Stipulating Defendant answers, moves, or otherwise pleads in response to any complaint filed in any Other Related Action before the date required by this Stipulation, then the schedule set forth in Paragraph 2 above shall be void, and the Stipulating Plaintiff and Stipulating Defendants shall promptly meet and confer within five calendar days concerning the schedule in the Individual Action. If and to the extent that they fail to reach an agreement, then the parties shall present their competing schedules to the Court in the Individual Action for that Court to resolve.

4. ***No Other Waiver.*** Except as to the sufficiency of process or service of process, the entry into this Stipulation by the Stipulating Defendant shall not constitute a waiver of any jurisdictional defenses that may be available under Rule 12 of the Federal Rules of Civil Procedure, a waiver of any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure, or a waiver of any other statutory or common-law defenses that may be available to the Stipulating Defendant in the Individual Action and/or the Other Related Actions. The Stipulating Defendant expressly reserves its rights to raise any such defenses in response to any operative or amended complaint that may be filed relating to the Individual Action.

5. Nothing herein shall be construed to stay this action.

STIPULATED AND AGREED TO THIS 5th DAY OF NOVEMBER 2013.

ROBBINS GELLER RUDMAN
& DOWD LLP


Samuel H. Rudman
Robert M. Rothman
58 South Service Road, Suite 200
Melville, NY 11747
Telephone: (631) 367-7100
Facsimile: (631) 367-1173

ROBBINS GELLER RUDMAN

& DOWD LLP
Bonny E. Sweeney
David W. Mitchell
Carmen A. Medici
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: (619) 231-1058
Facsimile: (619) 231-7423

ROBBINS GELLER RUDMAN

& DOWD LLP
Paul J. Geller
Mark Dearman
120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
Telephone: (561) 750-3000
Facsimile: (561) 750-3364

RICHARD H. BREIT, P.A.

Richard H. Breit
8551 W. Sunrise Blvd., Suite 300
Plantation, FL 33322-4007
Telephone: (954) 452-1144
Facsimile: (954) 452-3311

Attorneys for Plaintiff Peterson Industries, Inc.

Dated: November 5, 2013

SO ORDERED.


Honorable Victor Marrero
UNITED STATES DISTRICT JUDGE